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February 11, 2010

Honorable Faye P. Hanohano, Chair  
And Members of the House Committee on Public Safety  
Hawai'i State Capitol, Room 309, 9:30 a.m.  
415 South Beretania Street  
Honolulu, Hawai'i 96813

### TESTIMONY ON H.B. 2023 RELATING TO THE CIVIL DEFENSE AND EMERGENCY ACT

Aloha, Chair Hanohano and Members of the Committee:

Thank you for this opportunity to strongly support House Bill 2023, RELATING TO THE CIVIL DEFENSE AND EMERGENCY ACT.

H.B. 2023 amends the Civil Defense and Emergency Act to extend the immunity from liability to persons who voluntarily and without compensation permit the designation and use of their properties as shelters during natural and man-made disasters.

Currently this law provides civil liability protection to shelter operators only in cases of "an actual, impending, mock or practice attack..." We respectfully suggest the current language in the law be expanded to provide civil liability protection to shelter operators designated by director of civil defense "during an actual, impending mock or practice attack, natural disaster or man-made disaster...."

Mahalo for your consideration.

Aloha,

A handwritten signature in black ink, appearing to read "W. P. Kenoi".

William P. Kenoi  
MAYOR

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 2023  
A BILL RELATING TO THE CIVIL DEFENSE AND EMERGENCY ACT

COMMITTEE ON PUBLIC SAFETY

BY

EDWARD T. TEIXEIRA  
VICE DIRECTOR OF CIVIL DEFENSE

February 11, 2010

Chair Hanohano and Committee Members:

I am Ed Teixeira, Vice Director of Civil Defense, State Department of Defense. I am providing testimony that opposes House Bill 2023.

The proposed bill adds "natural disaster or man-made disaster" to HRS Section 128-19. There is no reason to amend Section 128-19 because all of the provisions of Chapter 128 already apply to natural and man-made disasters and by doing so we may run the risk of excluding the rest of Chapter 128 from natural and man-made disasters.

HRS Section 127-10 makes it clear that the provisions of Chapter 128 are applicable for other disaster relief including natural and man-made disasters or emergencies. The law and the Hawaii courts recognize that in as much as the provisions of HRS 127-1 through 9 have been indefinitely suspended, all of the provisions of Chapter 128 are applicable in other disasters both natural and man-made.

By including the language as the bill proposes in this single section of Chapter 128, an argument can be made that it is specifically excluded in all other sections of Chapter 128. Therefore, we strongly recommend that such language NOT be added to Section 128-19.

Thank you for the opportunity to provide testimony that opposes House Bill 2023. Are there any questions?